

IN THE UNITED STATES DISTRICT COURT
FOR SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ALBERTO PATINO,
MARIA DEL ROSARIO
MARTINEZ,
MARIA MARI,
RODOLFO R. TENREIRO,
PATRICIA GONZALES,

Plaintiffs,

V.

CITY OF PASADENA,
Mayor JOHNNY ISBELL,
Council members ORNALDO
YBARRA,
BRUCE LEAMON, DON
HARRISON,
PAT VAN HOUTE,
CODY RAY WHEELER, PHIL
CAYTEN,
STEVE COTE, and
DARRELL MORRISON,

Defendants.

Civil Action No. 4:14-cv-03241

DEFENDANTS CODY RAY WHEELER, ORNALDO YBARRA,
AND DON HARRISON’S MOTION TO STRIKE
UNAUTHORIZED PLEADINGS (Dkt's 10, 11 and 12)
AND
MOTION TO SHOW AUTHORITY

NOW COMES Defendants Cody Ray Wheeler, Ornaldo Ybarra, and Don Harrison, (hereinafter referred to as “Defendants”), and makes and files this their Motion to Strike Unauthorized Pleadings and Motion to Show Authority and

would respectfully show unto this Honorable Court as follows:

I.

BACKGROUND

Defendants Cody Ray Wheeler, Orinaldo Ybarra, and Don Harrison each were and are members of the City of Pasadena City Council. They each have been sued as Defendants in this case. Each of these Defendants, as well the undersigned attorneys, have informed counsel for the other Defendants that they do not wish to be represented by counsel for the City of Pasadena. In fact, counsel for the City has been informed orally and in writing that these Defendants believe a legal conflict prevents counsel for the City from entering an appearance on behalf of these Defendants. Even were there not a legal conflict, these Defendants desire their own counsel and specifically reject being represented by counsel who have been hired to represent the majority of the Council-members and the City's mayor. Notwithstanding these communications, an answer (Dkt. 11) and Motion (Dkt. 10) was entered on behalf of these Defendants.

II.

MOTION

These Defendants hereby move to strike those portions of pleadings purportedly filed on behalf of Defendants Cody Ray Wheeler, Orinaldo Ybarra, and Don Harrison and marked by the Court as Docket Numbers 10, 11 and 12. Alternatively, these Defendants ask that counsel for the City be require to appear

herein and provide authority as to how parties can be represented by counsel against their wishes and in the face of a possible legal conflict.

Dated this 22nd day of January, 2015.

Respectfully Submitted,

BRAZIL & DUNN

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of January, 2015, I electronically submitted the foregoing document with the Clerk of the United States District Court for the Southern District of Texas, Houston Division, using the electronic case filing system of the Court. I have served counsel of record listed below via electronic transmission through the Court's ECF system:

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